

REMARKS

The Present Invention

The present invention concerns a nutritional supplement composition which is designed to benefit cardiovascular health.

Amendments to the Claims

New claim 15 has been added. Claims 1, 2, 8 and 14 have been amended. Claims 11 and 12 have been canceled. Claims 1 and 2 have been amended to correct informalities. Claim 8 has been amended to correct grammatical errors. Claims 1 and 14 have been amended to address a Section 112 rejection. The new claim and amendments correct informalities and/or grammatical errors and/or contain matter that may be found in the specification as originally filed, for example, at page 1, lines 28-30, page 2, lines 8-30, page 3, lines 11-14, page 8, lines 6-15, page 9, lines 18-32, page 15, lines 14-18, and the original claims. Accordingly, no new matter has been added by way of the aforesaid new claim and amendments.

The Pending Claims

Claims 1-10 and 14-15 are pending in this application. Claims 1-10 and 14-15 concern nutritional supplement compositions that benefit cardiovascular health.

The Office Action

In the Office Action, claims 1 and 2 were objected to with regards to informalities while claims 11 and 12 were objected to as to failing to further limit the subject matter of a previous claim.

In the Office Action, claims 1-12 and 14 stand rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite.

Objections as to Informalities and Failure to Further Limit

Claims 1 and 2 stand objected to as to informalities for reciting the term "1U". Applicants have amended claims 1 and 2 so that the term "1U" no longer appears in the claims. Because the

objections raised by the Examiner have been rendered moot by the aforementioned amendments, applicants respectfully request that the objections as to informalities be withdrawn.

Claims 11 and 12 stand objected to as to failing to further limit a previous claim for claiming additional vitamins and minerals as claimed in parent claim 1. Applicants have canceled claims 11 and 12. Because the objections raised by the Examiner have been rendered moot by the aforementioned amendments, applicants respectfully request that the objections as to failure to further limit a previous claim be withdrawn.

Rejections under 35 U.S.C. §112, second paragraph

Claims 1-12 and 14 stand rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Office Action contends that the recitation of “cardioprotective minerals and vitamins” in claims 1-11 and 14 and the purported addition of vitamins and minerals in claims 11, 12, and 14 renders the claims indefinite because it is uncertain whether applicants intend that there are additional minerals and vitamins contained in the compositions.

Applicants respectfully submit that one of ordinary skill in the art would understand that the compositions of the present invention contain additional minerals and vitamins. However, in order to expedite the prosecution of this application, applicants have amended the claims to overcome the aforementioned rejection. In particular, claims 11 and 12 have been cancelled and claims 1 and 14 have been amended to clarify that the compositions contain additional minerals and vitamins. In addition, as suggested by the Examiner, applicants have amended claim 14 to clarify the language of the claim. Similarly, as suggested by the Examiner, applicants have amended claim 1 to clarify the language of the claim. However, applicants have not amended claim 1 as suggested by the Examiner to indicate what is intended by the term “stable”.

Applicants respectfully submit that one of ordinary skill in the art would know what is intended by the term “stable” based on the disclosure in the specification as originally filed (for example, see page 15, lines 14-18). Accordingly, applicants respectfully submit that amendment of claim 1 to indicate what is intended by the term “stable” is unnecessary given the disclosure in the specification. Because the Section 112, second paragraph, rejection has been rendered moot by the aforementioned amendments, applicants respectfully request withdrawal of this rejection.

Withdrawn Rejection

Applicants respectfully submit their appreciation for the withdrawal of the rejection of claims 1-14 under 35 U.S.C. 103(a).

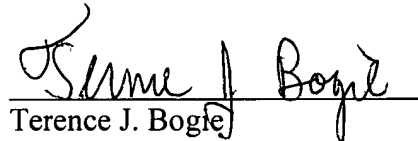
Conclusion

In view of the remarks presented above, applicants respectfully submit that the pending claims are in condition for allowance. An early Office Action to that effect is, therefore, earnestly requested.

The Commissioner is hereby authorized to charge any fees that may be required, including any fees under 37 C.F.R. §§1.16 and 1.17, for the filing of this paper to Deposit Account No. 19-3880.

If, in the opinion of the Examiner, a telephone conference with the undersigned would facilitate prosecution of this patent application, the Examiner's call would be welcomed.

Respectfully submitted,



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Date: October 12, 2004

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